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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,121 08/06/99 CASEBOLT

M M-7792-US

EXAMINER

MM91/0118

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CHANG, Y

ART UNIT	PAPER NUMBER
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2835

DATE MAILED:

01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/370,121

Applicant(s)

CASEBOLT ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-39 is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a light emitting member" in claims 21 and 23, and "a body portion" in claims 25 and 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The disclosure is objected to because of the following informalities: the "handle 98" in page 11, line 7, should have been "handle 78".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as

to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 19 and 20, it states "the first drive bay is attached to a top cover of the case using spot welding" and "the second drive bay is attached to a bottom cover of the case using spot welding". But the drive bay 98 shown in fig. 4 is an open space for mounting the hard drive assemblies 54. It would have been impossible to one having ordinary skill in the art to spot weld a open space to a cover of the case.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 11, 12, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithson et al. (US 5,654,873).

Smithson teaches a computer system comprising:

- a case (501, fig. 4) a first drive bay (106, fig. 1) and a second drive bay (106, fig.1) having guide rails on both interior sides
- a first drive assembly (shown in fig. 2, same to a second drive assembly) comprising:
 - a first hard drive (102, fig. 2, same to a second hard drive)

- a first drive chassis (same to a second drive chassis, not numbered) comprising: a first rail (204, fig. 2); a second rail (205, fig. 2) including a channel (not numbered) and a light transmitting member (206, fig. 2), a fiber optic filament, for transmitting from a rear portion to a front portion of the bay, provided in the channel; a retaining portion (202, fig. 2) adjacent a front side of the first hard drive and connecting a front end of the first rail to a front end of the second rail
- a handle (201, fig. 2) having two ends (not numbered), being rotatably connected to the retaining portion about an axis (defined by holes 211 and 212) located the two ends of the handle, and defining a closed position (fig. 15B) and an opening position (fig. 15A), a first latch (213, fig. 2) on one end of the handle, and a cam (216, fig. 2) on the other end of the handle

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-10, 13-18, 21-22, and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithson et al. in view of Hileman et al. (US 5,751,551), Bologna (US 6,084,768), and Young et al. (US 6,018,456).

Regarding claims 3-10, 17-18, and 31, Smithson discloses the claimed invention except the dimensions of the case, the drive bays, the hard drives, and the gaps between surfaces. It would have been an obvious matter of design choice to select the proper dimensions of the case, the drive bays, the hard drives and the gaps between surfaces, since such a modification would have involved a mere change in the sizes of components. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 13, 15, 25, 26-30, Smithson discloses the claimed invention except a notch on a first interior side of the drive bay, a shoulder on a second side of the drive bay, a first latch provided on an end of the handle, and a cam provided on another end of the handle. However, Hileman teaches a notch (58, fig. 4) on a first interior side of drive bay (14, fig. 14), a shoulder (not numbered in fig. 4) on a second side of the drive bay, a first latch (54, fig. 4) provided on an end of the handle, and a cam (46, fig. 4) provided on another end. ItCnotch, shoulder, latch and cam taught by Hileman for the purpose of securing the hard drive when it is inserted into the bay and releasing the hard drive when it is pulled out.

Regarding claims 14 and 26, Smithson in view of Hileman discloses the claimed invention except a spring on the handle urging the handle to rotate from a closed position to an open position. However, Bologna teaches a spring (168, fig. 12A) on the

handle urging the handle to rotate from a closed position (fig. 11a) to an open position (fig. 13A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Smithson in view of Hileman with the spring taught by Bologna for the purpose of urging the handle to rotate open when the latch is released.

Regarding claims 16 and 32, Smithson discloses the claimed invention except a fan provided in the case adjacent to a rear portion of the drive bay. However, Young teaches a fan (39, fig. 8) provided in the case adjacent a rear portion of the drive bay. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Smithson with the fan taught by Young for the purpose of cooling.

Regarding claims 21 and 22, Smithson FAILS to teach a light transmitting member included on the first rail of the drive chassis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a light transmitting member on the first rail of the drive chassis, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

9. Claims 33-38 are allowed.

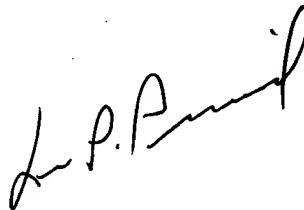
Correspondence

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (703) 306-5798. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-8558.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
January 12, 2001



Leo P. Picard
Supervisory Patent Examiner
Technology Center 2800